

Message

From: Hirsh, Steven [Hirsh.Steven@epa.gov]
Sent: 8/14/2018 2:32:13 PM
To: Yap-deffler, Yazmine [Yap-Deffler.Yazmine@epa.gov]
Subject: Re: Seeking Regional Comments on Attached Draft MOU By August 10

Seemed like that to me too. Wonder what's different. I'll ask Linda.

Steve

Steven Hirsh, Associate Director
Federal Facilities Remediation and Site Assessment
Hazardous Site Cleanup Division
US EPA Region III

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hirsh.steven@epa.gov

On Aug 14, 2018, at 10:05 AM, Yap-deffler, Yazmine <Yap-Deffler.Yazmine@epa.gov> wrote:

This looks like a tweaked version for a Formal State Deferral MOU/A.

Yaz

Yazmine J. Yap-Deffler, Chief
Site Assessment & Non-NPL Federal Facilities Branch (3HS12)
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yap-deffler.yazmine@epa.gov

From: Hirsh, Steven
Sent: Tuesday, August 14, 2018 9:04 AM
To: Yap-deffler, Yazmine <Yap-Deffler.Yazmine@epa.gov>
Subject: Re: Seeking Regional Comments on Attached Draft MOU By August 10

Just something to think about. I think k the site has to have a prp

Steve

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On Aug 14, 2018, at 9:02 AM, Yap-deffler, Yazmine <Yap-Deffler.Yazmine@epa.gov> wrote:

I can see it applicable to the following sites: Ex. 5 Deliberative Process (DP) (I think there's an MOU for this already), Ex. 5 Deliberative Process (DP)
Possibly modify this a bit for our possible collaboration with PADEP on Bishop Tube, Ex. 5 Deliberative Process (DP)

Yaz

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From: Hirsh, Steven
Sent: Tuesday, August 14, 2018 8:07 AM
To: Yap-deffler, Yazmine <Yap-Deffler.Yazmine@epa.gov>
Subject: Fwd: Seeking Regional Comments on Attached Draft MOU By August 10

Take a look at this. Do you see any circumstance where this would be useful for us Ex. 5 Deliberative Process (DP)

Thanks
Steve

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Begin forwarded message:

From: "Melvin, Karen" <Melvin.Karen@epa.gov>
Date: August 13, 2018 at 3:47:40 PM EDT
To: "Hirsh, Steven" <Hirsh.Steven@epa.gov>
Subject: FW: Seeking Regional Comments on Attached Draft MOU By August 10

What do you think about this?

**KAREN MELVIN, DIRECTOR
HAZARDOUS SITE CLEANUP DIVISION
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1650 ARCH STREET
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215-814-3275**

From: Dietz, Linda
Sent: Monday, August 13, 2018 2:07 PM
To: Melvin, Karen <Melvin.Karen@epa.gov>
Cc: Leonard, Paul <leonard.paul@epa.gov>
Subject: FW: Seeking Regional Comments on Attached Draft MOU By August 10
Importance: High

Do others have comments or do you want us to send to HQ ?

Linda Dietz, Associate Director
Office of Superfund Site Remediation
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Dietz.linda@epa.gov

From: Matzko, Kristine
Sent: Friday, August 10, 2018 12:38 PM
To: Dietz, Linda <Dietz.Linda@epa.gov>
Subject: FW: Seeking Regional Comments on Attached Draft MOU By August 10
Importance: High

The combined comments from ORC and remedial. If both programs are comfortable with the comments then one of us can send to HQ. Thanks

Kristine Matzko

Branch Chief
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From: Melvin, Karen
Sent: Monday, July 30, 2018 8:02 AM
To: Ludzia, Peter <Ludzia.Peter@epa.gov>; Matzko, Kristine <Matzko.Kristine@epa.gov>
Cc: Dietz, Linda <Dietz.Linda@epa.gov>; Armstrong, Joan <Armstrong.Joan@epa.gov>
Subject: FW: Seeking Regional Comments on Attached Draft MOU By August 10
Importance: High

Folks, can I get your input on this?

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From: Mackey, Cyndy
Sent: Wednesday, July 25, 2018 10:57 AM
To: OLEM SF Reg Branch Chiefs
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Cc: DeLeon, Rafael <DeLeon.Rafael@epa.gov>; Browne,

Nancy <Browne.Nancy@epa.gov>; Patterson, Kenneth
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<Healy.Helena@epa.gov>; Woolford, James
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Subject: Seeking Regional Comments on Attached Draft
MOU By August 10

Importance: High

Regional Superfund Division Directors, Regional
ORC Superfund Branch Chiefs, Regional Superfund
Remedial Branch Chiefs:

Attached is a revised draft version of the: *Model
MOU Between EPA and [State] Regarding the
Oversight and Enforcement of Remaining Response
Actions Under State Law at [Site], a Post-
Enforcement CERCLA Site*. (formerly known as the
“Transfer MOU”.) We shared an earlier draft for
review with the Regional Counsel BCs and
Remedial BCs. As I committed to at the recent
Superfund Division Directors meeting, I’m sending
the draft around again for your review and
comment.

This site-specific model MOU is intended for
limited use by EPA regional offices and states when
a state indicates interest in using state law in lieu of
CERCLA at a remedial site where EPA already has
an enforcement action in place. This model MOU is
for remedial sites: (1) that are proposed to the NPL,
and/or have a Superfund Alternative Approach
agreement, and/or have achieved a hazard ranking
score of 28.5 or higher; (2) where EPA has entered
into a CERCLA enforcement agreement with a PRP
(e.g., ASAO for performance of RI/FS); and (3) EPA
has determined that the state programs can meet
the expectations articulated in the MOU and the
accompanying transmittal memo. The MOU
memorializes the expectations for oversight and
enforcement of the remaining response actions
using state law.

This model is not intended to encourage the state
assumption of responsibility at sites where a
CERCLA enforcement action is already in place; it
remains overwhelmingly preferable for a state that

wants to take the lead on a site, to do so before the remedial enforcement process begins.

This draft model MOU reflects the complexity of ensuring a CERCLA-protective cleanup and the coordination required between the State and EPA, other interested agencies, and the public during remedy selection and implementation, and the many elements that must be considered and addressed in doing so.

Our sincere thanks to those that provided feedback on the earlier draft. After hearing back from you on this draft, we intend to share it with state and tribal organizations for their feedback. Please send your comments to Anthony Austin, Nancy Browne and Tamara Carnovsky by August 10, 2018.

Thank you,

Cyndy Mackey

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